

LAW OFFICE
OF
B. ALAN SEIDLER
580 BROADWAY
NEW YORK, NEW YORK 10012

TELEPHONE
(212) 334-3131
SEIDLERLAW@GMAIL.COM

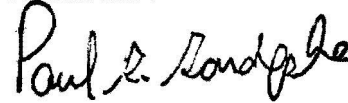
November 26, 2021

Hon. Paul Gardephe
United States District Judge
United States Courthouse
40 Centre Street
New York, NY 10007

MEMO ENDORSED:

The Government and Probation Department
are directed to address this request by
January 14, 2022.

SO ORDERED.



Paul G. Gardephe
United States District Judge
Dated: December 14, 2021

Filed by ECF

re: USA v. Ovidio Ochoa, #18 cr 0037

Dear Judge Gardephe;

I am the attorney for inmate Ochoa, and file this letter Motion requesting an Order of the Court permitting Ochoa to intermittently travel to, and work in Santo Domingo, Dominican Republic as an employee and shareholder of his construction Company, Erika Kassandra Construction SRL. Ochoa is a naturalized USA citizen, 63 years of age, a husband, and the father of 5 children who are citizens of the USA. As the attached letter from Ochoa states said construction company has incurred debts needing payment, and several construction projects have been halted until those debts can be satisfied in whole or in part. Ochoa is also having difficulty finding employment in the USA because of his age, and is incurring personal debt as a consequence.

On November 8, 2019, Ochoa was convicted of a cocaine Conspiracy, and Distribution of cocaine, and sentenced to 4 years incarceration, and 3 years Supervised Release. Ochoa's scheduled release date from the New York RRM is 1/28/2022.

In addition to the letter of Ovidio Ochoa, attached to this application is a notarized statement from Santiago Taveras, LLC.

Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read "B. Alan Seidler". The signature is fluid and cursive, with a long horizontal stroke at the end.

B. Alan Seidler

bas/ee

Ovidio Ochoa
447 Webster Ave. Apt. 2A
New Rochelle NY 10801
Tel: 914-874-6728

October 16, 2021

To: Hon. Paul G. Gardephe
United States Courthouse
40 Foley Square
New York NY 10007

Dear Hon. Judge Gardephe
Case No. *jb7eovis*

This is a formal request, asking for permission to work in Santo Domingo, Dominican Republic in February 2022.

I have a company in the Dominican Republic, named Erika Kassandra Construction SRL and I have a lot of debts, also my business and family are suffering due to me not been able to be involved and work properly, a lot of projects came to halt due to all this issue.

And for such a reason I am making a formal request in front of you, to see if is possible and you allow me, your honor, grant me a travelling permit to take care of business at the Dominican Republic, for a period of several months and I am planning to return in a couple of months and if is possible be back in forth after that.

Due to all this issue and my age it will be a challenge for me to get a job in the United States, if is required I can go to the Embassy periodically and report myself, acknowledge that for me not been able to work properly, me and my family had fall into a lot of financial debts and I would like to address the financial issues that still got time to solve.

Requesting your permission

Sincerely

Ovidio Ochoa



Send it to me on 10-17-2021



VICTOR JOEL BRUJAN
Notary Public, State of New York
No. 01BR6105950
Qualified in New York County
Commission Expires 2-23-2024

Office of Santiago Taveras, LLC

58 Albany Ave

Amityville, New York 11701

Phone: 631-691-2151

Fax: 631-608-0652

We Specialize in Tax Practice and Immigration Assistance

Santiago Taveras

Juris Scientiae Magister

OfficeOfSantiagoTaveras@gmail.com

NOTARIAL CERTIFICATE

I, LIC MARIA LETICIA JIMENEZ GARCIA, Lawyer, Public Notary of the National District Number, Active Member of the Dominican College of Notaries, Inc, Registration Number 3249 (Three thousand two hundred and forty-nine), of Dominican nationality, of legal age, single, bearer of the Electoral Identity Card Number 001-0625628-2, domiciled and resident in this city of Santo Domingo de Guzman, with a professional studio open to the public in House No. 22 (twenty-two), on Paseo Street of the coco of the Santa Cruz Sector, Santo Domingo Norte; I CERTIFY AND ATTEST that Mr. OVIDIO ANGEL OCHOA, United States Citizen, of legal age, bearer of Passport No. 504861729, is an entrepreneur, dedicated to the area of construction in the Dominican Republic, both as a natural person, and through the company ERIKA KASSANDRA CONSTRUCTIONS, SRL, RNC NO13106231-8, RM NO.98677SD, in which it owns 49% of the shares, equal to 2450 shares at a nominal value of 100 pesos each.

Due to the commitments made both on a personal level and through the aforementioned company, the presence of Mr. OVIDIO ANGEL OCHOA in the country (Dominican Republic) was imperative, to take charge of pending work and be able to face the commitments Economic contracted in the Dominican Republic.

Mr. OVIDIO ANGEL OCHOA, has been a serious and exemplary businessman in the Dominican Republic, who through many efforts and loans with financial institutions in the country, developed 2 apartment projects in the municipality of Santo Domingo Norte, with which he still has outstanding debts with Dominican financial institutions.

Mr. OVIDIO ANGEL OCHOA hopes to continue developing some infrastructure projects in the country, with the support of financial institutions in the Dominican Republic.

Given in Santo Domingo de Guzman, capital of the Dominican Republic, on the 8th day of September 2021.

(SIGNATURE)

This translation is not a verification of the authenticity of the attached document nor an authentication of its source. It is just a translation from Spanish into English, and it is done at the request of the customer. We are no responsibility as to the veracity of the document itself and/or its source.

Office of Santiago Taveras, LLC

58 Albany Ave

Amityville, New York 11701

Phone: 631-691-2151

Fax: 631-608-0652

We Specialize in Tax Practice and Immigration Assistance

Santiago Taveras

Juris Scientiae Magister

OfficeOfSantiagoTaveras@gmail.com

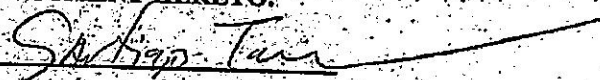
LIC. MARIA LETICIA JIMENEZ GARCIA

PUBLIC NOTARY

(STAMP)

CERTIFICATE OF THE TRANSLATOR'S COMPETENCE

I, SANTIAGO TAVERAS, HEREBY STATE THAT I AM COMPETENT TO TRANSLATE FROM SPANISH INTO ENGLISH AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS TRANSLATION IS ACCURATE AND CORRESPONDS TO THE ATTACHED DOCUMENT HERETO.



SANTIAGO TAVERAS

State of New York)

ss)

County of Suffolk)

On the 18 day of October in the year 2021 before me, the undersigned, personally appeared SANTIAGO TAVERAS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


(Signature and office of individual taking acknowledgment.)

MARCO J. RAMIREZ
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RA6191576
Qualified in Nassau County
Registered in Suffolk County
My Commission Expires October 22, 2027

This translation is not a verification of the authenticity of the attached document nor an authentication of its source. It is just a translation from Spanish into English, and it is done at the request of the customer. We are no responsible as to the veracity of the document itself and/or its source.

UNITED STATES DISTRICT COURT

Southern District of New York

UNITED STATES OF AMERICA

v.

Ovidio Ochoa

JUDGMENT IN A CRIMINAL CASE

Case Number: (S4) 1:18 CR 37-04 (PGG)

USM Number: 86074-054

Dawn Maria Florio

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 2

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

| <u>Title & Section</u> | <u>Nature of Offense</u> | <u>Offense Ended</u> | <u>Count</u> |
|----------------------------|---|----------------------|--------------|
| 21 U.S.C. § 846, | Conspiracy to Distribute and Possess with Intent to | 6/30/2017 | 2 |
| 21 U.S.C. § 841(b)(1)(A) | Distribute Cocaine | | |

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☒ Count(s) 1 ☒ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

11/8/2019

Date of Imposition of Judgment

Signature of Judge

Hon. Paul G. Gardephe, U.S.D.J.

Name and Title of Judge

Date

Nov 13, 2019

AO 245B (Rev. 09/19) Judgment in Criminal Case
Sheet 2 — Imprisonment

Judgment — Page 2 of 7

DEFENDANT: Ovidio Ochoa
CASE NUMBER: (S4) 1:18 CR 37-04 (PGG)

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:
4 years.

☒ The court makes the following recommendations to the Bureau of Prisons:
It is recommended that the defendant be incarcerated as close as possible to the New York metropolitan area.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Ovidio Ochoa

CASE NUMBER: (S4) 1:18 CR 37-04 (PGG)

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

3 years

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
☒ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: Ovidio Ochoa
CASE NUMBER: (S4) 1:18 CR 37-04 (PGG)

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: Ovidio Ochoa

CASE NUMBER: (S4) 1:18 CR 37-04 (PGG)

SPECIAL CONDITIONS OF SUPERVISION

The Defendant will submit his person, residence, place of business, vehicle, and any property or electronic devices under his control to a search on the basis that the probation officer has reasonable suspicion that contraband or evidence of a violation of the conditions of the Defendant's supervised release may be found. Any search must be conducted at a reasonable time and in a reasonable manner. Failure to submit to a search may be grounds for revocation. The Defendant will inform any other residents that the premises may be subject to search pursuant to this condition.

DEFENDANT: Ovidio Ochoa

CASE NUMBER: (S4) 1:18 CR 37-04 (PGG)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

| | | | | | |
|---------------|-------------------|--------------------|-------------|-------------------------|--------------------------|
| | <u>Assessment</u> | <u>Restitution</u> | <u>Fine</u> | <u>AVAA Assessment*</u> | <u>JVTA Assessment**</u> |
| TOTALS | \$ 100.00 | \$ | \$ | \$ | \$ |

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

| | | | |
|----------------------|----------------------|----------------------------|-------------------------------|
| <u>Name of Payee</u> | <u>Total Loss***</u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|----------------------|----------------------|----------------------------|-------------------------------|

| | | | | |
|---------------|----|------|----|------|
| TOTALS | \$ | 0.00 | \$ | 0.00 |
|---------------|----|------|----|------|

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Ovidio Ochoa
CASE NUMBER: (S4) 1:18 CR 37-04 (PGG)

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number
Defendant and Co-Defendant Names
(including defendant number)

Total Amount

Joint and Several
Amount

Corresponding Payee,
if appropriate

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.